IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 26204 of 2007(T)

PETITIONER:

M/S. TRAVANCORE POLYMERS,
INDUSTRIAL DEVELOPMENT AREA, EDAYAR, ALUVA,
REP. BY ITS MANAGING PARTNER, JERRY PEREIRA,
AGED 42 YEARS, S/O. LAZAR PERIERA, ST.ANTONY'S
BUNGLOW, VARAPUZHA, ERNAKULAM.

BY ADV. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU

RESPONDENTS:

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1. KERALA FINANCIAL CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

2. THE CHIEF MANAGER/BRANCH MANAGER,
BRANCH OFFICE, KERALA FINANCIAL CORPORATION,
KALOOR, KOCHI-17.

3. DEPUTY TAHSILDAR,
REVENUE RECOVERY, KERALA FINANCIAL CORPORATION,
KALOOR, KOCHI-17.

BY ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/08/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 26204 OF 2007

Dated this the 24th day of August, 2007

JUDGMENT

According to the petitioner, petitioner has cleared the arrears due to KFC and also to the District Industries Centre. However, documents of title are retained by the KFC because collection charges are not remitted by the petitioner. This Court has held that no collection charges should be recovered for payments voluntarily made by the defaulter. If the petitioner has made payments voluntarily without respondents recovering the amount by sale of movable and immovable properties of the petitioner in recovery proceedings, then demand of collection charges raised against the petitioner will stand cancelled. Respondents will verify whether payments are made by the petitioner voluntarily and if so, the respondent who is holding the title deeds will release the same to the petitioner within two weeks from the date of production of a copy of this judgment. However, if any amount is recovered by coercive steps, i.e., by sale of movable or immovables then collection charges should be collected in proportion to the amount recovered.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge